

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**GENEO BROWN,**

**Plaintiff,**

**v.**

**9:07-CV-1353  
(FJS/ATB)**

**H.D. GRAHAM, Supt., Auburn Correctional Facility; DAWSON BROWN, Dep. Supt. of Admin., Auburn Correctional Facility; DONALD SAWYER, Exec. Dir., CNY Psychiatric Center; HAROLD MEYERS, Forensic Unit Chief; C.O. EXNER, Auburn Correctional Facility; LT. HEAD, Auburn Correctional Facility; C. THOMAS, C.O., Auburn Correctional Facility; SHARPLES, R.N., Auburn Correctional Facility; SGT. PERRY, Auburn Correctional Facility; JOHN CULKIN, Dir., Mental Health Services; MCCARTHY, Corrections Captain,**

**Defendants.**

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**APPEARANCES**

**OF COUNSEL**

**GENEO BROWN**

**97-A-0463**

Great Meadows Correctional Facility  
Box 51  
Comstock, New York 12821  
Plaintiff *pro se*

**OFFICE OF THE NEW YORK  
STATE ATTORNEY GENERAL**

The Capitol  
Albany, New York 12224  
Attorneys for Defendants

**CHRISTINA L. ROBERTS-RYBA, AAG**

**SCULLIN, Senior Judge**

**ORDER**

In a Report and Recommendation dated March 30, 2010, Magistrate Judge Baxter recommended that the Court (1) deny Defendants Brown and McCarthy's motion for judgment on the pleadings as moot; (2) deny Plaintiff's motion for summary judgment; and (3) grant Defendants' cross-motion for summary judgment and dismiss the amended complaint in its entirety. *See* Dkt. No. 90. Plaintiff filed objections to the Report and Recommendation, essentially raising the same arguments that he presented to Magistrate Judge Baxter. *See* Dkt. No. 99.

When a party files specific objections to a magistrate judge's report-recommendation, the district court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). However, when a party files "[g]eneral or conclusory objections or objections which merely recite the same arguments [that he presented] to the magistrate judge," the court reviews those recommendations for clear error. *O'Diah v. Mawhir*, No. 9:08-CV-322, 2011 WL 933846, \*1 (N.D.N.Y. Mar. 16, 2011) (citations and footnote omitted). After the appropriate review, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

Despite the conclusory nature of most of Plaintiff's objections, the Court has reviewed the record *de novo* in light of the issues that Plaintiff raised in those objections. Having completed that review, the Court finds his objections to be without merit.

Accordingly, the Court hereby

**ORDERS** that Magistrate Judge Baxter's March 30, 2010 Report and Recommendation is **ACCEPTED** in its entirety for the reasons stated therein; and the Court further

**ORDERS** that Defendants Brown and McCarthy's motion for judgment on the pleadings is **DENIED** as moot; and the Court further

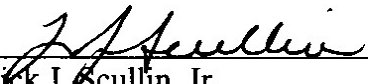
**ORDERS** that Plaintiff's motion for summary judgment is **DENIED**; and the Court further

**ORDERS** that Defendants' cross-motion for summary judgment is **GRANTED** and Plaintiff's amended complaint is **DISMISSED**; and the Court further

**ORDERS** the Clerk of the Court shall enter judgment in favor of Defendants and close this case.

**IT IS SO ORDERED.**

Dated: March 31, 2011  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge